

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 30, 2019

SEAN F. MCAVOY, CLERK

U.S.A. vs. Benka, Eric Alexander Docket No. 2:18CR00170-WFN-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Eric Alexander Benka, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers, sitting in the Court at Spokane, Washington, on the 4th day of October 2018, under the following conditions:

Standard Condition #9: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Eric Alexander Benka is alleged to have tested positive for the presence of marijuana on October 5, 2018.

On October 5, 2018, the conditions of pretrial release supervision were reviewed with Mr. Benka. He acknowledged an understanding of his conditions, which included standard condition number 9.

On October 5, 2018, Mr. Benka reported to the U.S. Probation Office and provided a urine sample that tested presumptive positive for the presence of marijuana. Mr. Benka advised the presumptive positive result was residual from marijuana use that occurred prior to his arrest in the instant federal matter. Subsequently, the urine sample was sent to Alere Toxicology (Alere) for further analysis.

On October 12, 2018, Alere confirmed the urine sample collected on October 5, 2018, tested positive for the presence of marijuana.

Violation #2: Eric Alexander Benka is alleged to have tested positive for the presence of marijuana on October 15, 2018.

On October 5, 2018, the conditions of pretrial release supervision were reviewed with Mr. Benka. He acknowledged an understanding of his conditions, which included standard condition number 9.

On October 15, 2018, Mr. Benka reported to Pioneer Human Services and provided a urine sample that tested presumptive positive for the presence of marijuana. The sample was sent to Alere Toxicology (Alere) for further analysis.

On October 24, 2018, Alere confirmed the urine sample collected on October 15, 2018, tested positive for the presence of marijuana.

Mr. Benka advised the presumptive positive result was residual from marijuana use that occurred prior to his arrest in the instant federal matter.

Violation #3: Eric Alexander Benka is alleged to have tested positive for the presence of marijuana on October 16, 2018.

On October 5, 2018, the conditions of pretrial release supervision were reviewed with Mr. Benka. He acknowledged an understanding of his conditions, which included standard condition number 9.

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On October 16, 2018, Mr. Benka reported to Pioneer Human Services and provided a urine sample that tested presumptive positive for the presence of marijuana. The sample was sent to Alere Toxicology (Alere) for further analysis.

On October 21, 2018, Alere confirmed the urine sample collected on October 16, 2018, tested positive for the presence of marijuana.

Mr. Benka advised the presumptive positive result was residual from marijuana use that occurred prior to his arrest in the instant federal matter.

Violation #4: Eric Alexander Benka is alleged to have tested positive for the presence of amphetamine, methamphetamine, codeine and morphine on January 10, 2019.

On October 5, 2018, the conditions of pretrial release supervision were reviewed with Mr. Benka. He acknowledged an understanding of his conditions, which included standard condition number 9.

On January 10, 2019, Mr. Benka reported to Pioneer Human Services and provided a urine sample that tested presumptive positive for the presence of amphetamine, methamphetamine and morphine. Mr. Benka signed a substance abuse admission form confirming he used the aforementioned illegal controlled substances. The sample was sent to Alere Toxicology (Alere) for further analysis.

On January 14, 2019, Mr. Benka verbally admitted to the undersigned officer that he injected methamphetamine and heroin prior to providing the urine sample on January 10, 2018.

On January 18, 2019, Alere confirmed the urine sample collected on January 10, 2019, tested positive for the presence of amphetamine, methamphetamine, codeine and morphine.

Additional Condition #22: Defendant shall not possess or access pornography in any form, electronic or otherwise. Defendant shall not have access to the Internet, including but not limited to cell phones with internet access. Any Internet-capable devices in the home shall be password protected, and Defendant shall not have access to the password. Should Defendant obtain employment involving the use of computers or other digital devices, this condition may be revisited.

Violation #5: Eric Alexander Benka is alleged to have admitted to accessing the Internet on a weekly basis over a 2-month period on January 23, 2019.

On October 5, 2018, the conditions of pretrial release supervision were reviewed with Mr. Benka. He acknowledged an understanding of his conditions, which included additional condition number 22.

On January 23, 2019, Mr. Benka reported to the U.S. Probation Office and met with the undersigned officer for a scheduled meeting. During that meeting, Mr. Benka disclosed that he was having difficulties with his girlfriend, in which she was not accepting his telephone calls or text messages. Mr. Benka admitted that when these issues occurred he would access the social media website, Facebook, to contact his girlfriend. He admitted that his mother keeps the computer in their home unlocked when she is in the home and he would access Facebook at that time. Mr. Benka admitted he had been accessing Facebook on a weekly basis over a 2-month period.

The undersigned officer reminded Mr. Benka of his Internet restrictions. In addition, the undersigned officer contacted Mr. Benka's mother, Frankie Benka, on January 23, 2019. Ms. Benka denied allowing Mr. Benka access to her computer that is in the home they share. She agreed to change the password to her computer immediately.

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PRAYING THAT THE COURT WILL ORDER A SUMMONS

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: January 29, 2019

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

1/30/2019

Date